

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

WILLIAM A. WHITE,)
)
Plaintiff,)
)
v.) Cause No. 1:22-cv-02405-TWP-TAB
)
ROBERT KENNETH DECKER, et al.,)
)
Defendants.)

**UNITED STATES AND FEDERAL BUREAU OF PRISON'S RESPONSE IN
OPPOSITION TO MOTION TO COMPEL DEFENDANTS UNITED STATES OF
AMERICA AND FEDERAL BUREAU OF PRISONS TO PRODUCE RECORDS
PURSUANT TO FED. R. CIV. P. 37(A)(3)**

Plaintiff knows that his inmate classification requires review of his incoming and outgoing communications, which necessitates additional time for mail to be delivered. Nevertheless, Plaintiff continues to menace the Court with filings that are unwarranted and unsubstantiated by the facts or this case. Because the United States of America and the Federal Bureau of Prisons (“BOP”) have timely responded to Plaintiff’s discovery requests and produced the documents relevant to this case to which Plaintiff is entitled, they ask the Court that this motion be denied.

In support of their opposition, the United States of America and the Federal Bureau of Prisons (collectively “Defendants”) state as follows.

1. Plaintiff, an inmate with the BOP and currently housed at FCI Cumberland in Cumberland, Maryland, is fully aware that his incarceration classification includes a mail restriction. This restriction requires that all of his incoming and outgoing mail is screened by Cumberland’s Special Investigative Office before it is delivered to or sent from Plaintiff.

2. Since the filing of his complaint, Plaintiff has repeatedly filed unnecessary motions with the Court, seeking the Court’s intervention for discovery materials that are being timely provided. [See Dkt. 120 – Plaintiff’s Motion to Compel Initial Disclosures (serving motion on November

15, 2024, asking the Court to Compel Defendants to produce disclosures that had been timely served on October 25, 2024 and received by Plaintiff on October 31, 2024); Dkt. 125 – *Plaintiff's Motion to Order Defendant Federal Bureau of Prisons to Cease Obstructing My Communications to Dr. Richard M. Samuels* (serving motion of December 9, 2024, seeking an order for the Court order BOP from obstructing Plaintiff's ability to communicate with expert when Plaintiff's November 26, 2024 mailing was delivered to expert on December 9, 2024].

3. In this present motion, Plaintiff seeks an order to compel Defendants' production of documents. First, Plaintiff complains that Defendants failed to produce the videos of his February 2022 Fight with Co-Defendant, Robert Decker. [Dkt. 134 – *Plaintiff's Motion to Compel* at 2, ¶ 2.] Defendants tendered the media files on a CD-ROM to Plaintiff on November 21, 2024, but were informed that they were required to resubmit the media files on a USB or Hard Drive. On December 10, 2024, Defendants re-served Plaintiff with the media files on a USB drive. Plaintiff received the media files on December 31, 2024. [See Dkt. 136 – *Notice*.]

4. Next, Plaintiff wrongly alleges that Defendants failed to object or respond to his requests for production of documents. [Dkt. 134 at 4, ¶ 5; at 7, ¶ 9.] On November 13, 2024, Plaintiff served requests for production on Defendants. On December 13, 2024, Defendants timely responded by serving Plaintiff their objections, and also responded to the requests by serving documents (Bates Numbered USA000284 to USA000384). See Exhibit 1 – *2024-12-13 Cover Letter to Plaintiff Regarding Discovery Responses*. Plaintiff received Defendants' tender on December 31, 2024. [Dkt. 136.] As of this filing, discovery is ongoing. Defendants will supplement their discovery responses as required by the Federal Rules of Civil Procedure, if necessary.

5. Accordingly, as Plaintiff recognizes that Defendants have timely responded to Plaintiff and Defendants will supplement its responses pursuant to the Federal Rules, Plaintiff's motion to compel is unwarranted and should be denied.

For the forgoing reasons, the United States of America and the Federal Bureau of Prisons ask the Court that Plaintiff's Motion to Compel Defendants United States of America and Federal Bureau of Prisons to Produce records pursuant to Fed. R. Civ. P. 37(2)(3) be denied.

Respectfully submitted,

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United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2025, a copy of the foregoing *United States of America and Federal Bureau of Prisons' Response in Opposition to Plaintiff's Motion to Compel Defendants United States of America and Federal Bureau of Prisons to Produce Records Pursuant to Fed. R. Civ. P. 37(2)(3)* was filed electronically. Service of this filing will be made on the following ECF-registered counsel by operation of the Court's electronic filing system:

None.

I further certify that on January 16, 2025, a copy of the foregoing *United States of America and Federal Bureau of Prisons' Response in Opposition to Plaintiff's Motion to Compel Defendants United States of America and Federal Bureau of Prisons to Produce Records Pursuant to Fed. R. Civ. P. 37(2)(3)* was mailed, by first class U.S. Mail, postage prepaid and properly addressed to the following:

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